

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
Boston Division**

DIANE CONNOLLY,

Plaintiff

vs.

Civil Action No.: 04-12233(MLW)

NATIONAL RAILROAD
PASSENGER CORPORATION,

Defendant

REPORT OF PARTIES' PLANNING CONFERENCE

Pursuant to this Court's Order, Thomas J. Joyce, III and Michael McDevitt, representing Plaintiff, and Paul Sahovey, representing the Defendant, met on January 5, 2005, pursuant to Rule 26(f) to discuss:

- (1) the nature and basis of their claims and defenses;
- (2) the possibility for a prompt settlement or resolution of this case;
- (3) to make or arrange for the disclosures required under Rule 26(a)(1); and
- (4) to develop a discovery plan.

To that end, the parties propose the following:

A. The issues in this case may be simplified by taking the following steps:

1. The parties will exchange written Interrogatories and Request for production of Documents;
2. Defendant will take Plaintiff's discovery deposition;

3. Plaintiff will be made available for defense medical examination;

4. Plaintiff will take the discovery deposition of Defendant's Safety Director, and Medical Director; and

5. The parties will conduct site inspection of Plaintiff's workplace.

B. The following modifications to the discovery requirements of the Federal Rules of Civil Procedure or Local Rules should be made in order to expedite discovery:

1. None

C. Discovery will be needed on the following subjects:

1. Plaintiff's work history;

2. Plaintiff's medical history;

3. Plaintiff's exposure to risk factors for carpal tunnel syndrome;

4. Defendant's ergonomics program to prevent occupational carpal tunnel syndrome;

5. Causation; and

6. Plaintiff's economic and non-economic damages

D. Discovery should be conducted in phases.

E. Discovery is not likely to be contentious and management of discovery should be referred to the Magistrate Judge. YES X NO

F. The parties do not consent to this matter being referred to the Magistrate Judge for final disposition.

G. The parties have discussed the possibility of alternative dispute resolution, and this case would be appropriate for mediation.

H. The parties have discussed a prompt settlement or other resolution of this matter. The Plaintiff has made a written demand of \$150,000.00, and the Defendant has offered \$0.

I. The Court should consider the following methods of expediting the resolution of this matter: A settlement conference following completion of discovery.

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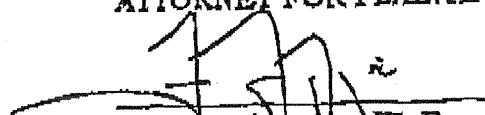
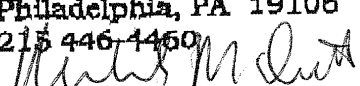
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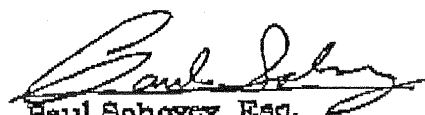
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Dated: January 4, 2005

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